SON, CORPORATIONS, § 7896; *Carroll* v. *East St. Louis,* 67 Ill. 568; *Taylor* v. *Branham,* 35 Fla. 297; *Land Grant Ry. & Trust Co.* v. *Commissioners of Coffee Co.,* 6 Kan. 245; *Genesee Mutual Ins Co.* v. *Westman,* 8 Up. Canada (Q. B.), 487; *Hill* v. *Beach,* 12 N. J. Eq. 31; *Oakdale Mfg. Co.* v. *Garst,* 18 R. I. 489; *Demarest* v. *Flack,* 128 N. Y. 205; *Wright* v. *Lee,* 2 S. D. 596. Such acts seem to be recognized as valid in the absence of any repugnancy in the charter powers to the laws or policy of the state wherein the powers are sought to be exercised. MORAWETZ, PRIVATE CORPORATIONS, § 965a; CLARK, CORPORATIONS, p. 620; *Mo. Lead Mining and Smelting Co. v. Reinhard,* 114 Mo. 218; *Horn Silver Mining Co.* v. *New York,* 143 U. S. 314; *Van Steuben* v. *Central Ry. Co.,* 178 Penn. 367; *Empire Mills* v. *Alston Grocery Co.,* — Texas —, 15 S. W. Rep. 505, 33 AM. & ENG. CORPORATION CASES, 15; *Cumberland Telephone Co.* v. *Louisville Home Tel. Co.* — Ky. — (1903), 72 S. W. Rep. 4. The corporation can then exercise only its charter powers. *Falls* v. *U. S. Sav. Co.,* 97 Ala. 417; *Canada Southern Ry Co.* v. *Gebhard,* supra; *Diamond Match Co.* v. *Powers,* 51 Mich. 145. The principal case is believed to properly present the law and certainly the saner view. In this day of great corporations and enlarged powers when corporations are asking (according to one author) that their powers be extended to the "heaven above, and the earth beneath, and the waters under the earth," it is well to remember that rights also belong to individuals and will be protected when corporate power seeks to invade them with impunity.

CONSTITUTIONAL LAW—DUE PROCESS OF LAW—RESTRAINT OF INSANE PERSONS—HABEAS CORPUS.—Application for a writ of habeas corpus to be released from an asylum, where petitioner was kept by order of the Judge of the Superior Court under L. 1899, c. 1, § 65, providing that persons convicted of crimes and acquitted on the ground of insanity are to be committed to asylums for the dangerous insane, at the discretion of the judge, and are to be discharged only by act of the General Assembly. *Held,* that the act is unconstitutional because authorizing restraint without due process of law and attempting to interfere with the powers of the courts to inquire into the legality of the restraint. *In re Boyett* (1904), — N. C. —, 48 S. E. Rep. 789.

This is not the first time that a court has been called upon to pass on the validity of similar statutes, and the universal ruling holding them unconstitutional is based upon the fundamental principles of justice. During the last forty years, the absurd length to which the defense of insanity has been allowed to go, whereby so many criminals have escaped punishment, has led to the enactment of these statutes; but it must be conceded that the remedy is not to be sought by destroying the safeguards of private liberty. In *Underwood* v. *People* (1876), 32 Mich 1, 20 Am. Rep. 633, where a statute almost identical with this was before the court, CAMPBELL, J., said: "The state has an ultimate guardianship over non-compotes in cases where it is necessary. * * * Neither judge nor expert has any power under the constitution to select his own means and process of inquiry and pass ex-parte upon the liberty of citizens." In the following cases similar decisions have been rendered: *State* v. *Billings* (1894), 55 Minn. 467; 43 Am. St. Rep. 525 and note; *In re Lambert*

(1901), 134 Cal. 626; 55 L. R. A. 856; *People* v. *St. Savior Sanitarium* (1898), 34 N. Y. App. Div. 363; *In re Clayton,* 59 Conn. 510; 21 Am. St. Rep. 128. The ruling as to the unconstitutionality of the provision in the statute, that the persons confined in the asylum are to be released only by act of the General Assembly, is undoubtedly correct. The right to inquire into the legality of the restraint is exclusively within the province of the judiciary. BUSWELL ON INSANITY; *Palmer* v. *Judge,* 83 Mich. 528; *Doyle, Petitioner,* 16 R. I. 537; 27 Am. St. Rep. 759 and note.

CONSTITUTIONAL LAW—EIGHT-HOUR LAW—PUBLIC CONTRACTS.—Petition for a writ of mandamus to compel defendant, comptroller of the city of New York, to pay relator $28,000, alleged to be due for the performance of a contract to furnish the city with a certain number of scows. Defendant refused payment on the sole ground that the Labor Law of 1899, limiting the hours of work of laborers employed by independent contractors for public works to eight hours, had not been complied with. *Held,* that the Labor Law was unconstitutional and void as in violation of the rights guaranteed by the constitution to municipal corporations. *People ex rel. Cossey* v. *Grout* (1904), — N. Y. —, 72 N. E. Rep. 464.

This seems to be the only ground on which the decision could be based, because the power of the state to make such regulations was conceded in the case of *Atkins* v. *Kansas* (1903), 191 U. S. 207; 24 Sup. Ct. 124; 48 L. Ed. 148. The case affirmed the decision of the Supreme Court of Kansas and held that the Labor Law was not in violation of the rights guaranteed by the 14th Amendment.

CONTEMPT—LIBEL OF COURT.—Defendant had been convicted on a criminal prosecution and afterwards published a libelous article concerning the conduct of the judge in the case. *Held,* the court had power to punish him for a contempt, though the cause had ended by entry of judgment and satisfaction thereof. *Burdett* v. *Commonwealth* (1904), — Va. —, 48 S. E. Rep. 878.

There was no question as to the libel, but defendant contended that a publication with respect to an ended cause could not be punished as a contempt of court. A number of cases support this contention. *Storey* v. *People,* 79 Ill. 45, 22 Am. Rep. 158, *Cheadle* v. *State,* 110 Ind. 301, 59 Am. Rep. 199; *State* v. *Anderson,* 40 Ia. 207; *Rosewater* v. *State,* 47 Neb. 630; *State* v. *Kaiser,* 20 Ore. 50. But when the contempt consists in scandalizing and defaming the court itself, other courts hold that it need not relate to a pending suit. *State* v. *Shepherd,* — Mo. —, 76 S. W. 79 (in which the subject is discussed at considerable length.) *In re Chadwick,* 109 Mich. 588, 67 N. W. 1071; *State* v. *Morrill,* 16 Ark. 384.

CONTRACT—CONSTRUCTION—DAMAGES.—A contract for the purchase of stone provided that the vendor should furnish to the purchaser not less than 5,000 and no more than 8,000 cubic yards of stone, and that, if more than 5,000 were required, three weeks' notice should be given for the extra amount. The vendor sued for a breach of contract before 5,000 yards had been delivered. *Held,* that he could only recover damages for the difference between